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17 OCT 1975

**OS REGISTRY
FILE**

MEMORANDUM FOR: Assistant Legislative Counsel
THROUGH : Deputy Director for Administration
SUBJECT : Proposed Letter to the Senate
Judiciary Committee Relative to
the Use of Polygraph by CIA
REFERENCE : Request from OLC for comments on
subject letter, dated 29 September 1975

1. Pursuant to the Office of Legislative Counsel request, the Office of Security has reviewed the proposed letter to the Senate Judiciary Committee relative to the use of polygraph by the Central Intelligence Agency and other federal agencies. As a result of this review, the Office of Security has some recommendations for changes, which if implemented will better state the Agency's position on the proposed bill.

2. Attached is the rewritten letter now incorporating the Office of Security changes. The following is the rationale for each of these changes as shown in the paragraphs of the original letter:

a. Paragraph 1: Grammar of last sentence seemed to require adjustment.

b. Paragraph 2:

(1) "... part of its hiring process."
This seems to suggest that polygraphy per se is a hurdle for the applicant to clear rather than a technical aid to the investigative procedure used for security screening.

(2) The first sentence of this paragraph was expanded and a new sentence was added at the end of the paragraph to reflect the use of polygraph in the CIA reinvestigation program.

(3) Several changes in wording and emphasis.

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c. Paragraph 3:

(1) Rewording for clarity.

(2) Office of Security suggests the insertion of an additional paragraph making reference to the positive side of our use of polygraph rather than concentrating exclusively on its negative functions.

d. Paragraph 4:

(1) Regarding "... the danger of abuse inherent in the use of any instrument used to distinguish truths from untruths." The rewording is based on the fact that the Office of Security believes that the concept of distinguishing true from false declarations does not stand out by itself as inherently dangerous, and the application of instrumentation to the process does not inherently change that fact.

(2) Minor rewording for consistency of grammatical structure.

(3) "no polygraph-acquired information can be released. . . ." This paragraph could very well entice questions relative to the release of any information from a polygraph file. Furthermore, the stated release provision - national security - is not entirely accurate. Under some circumstances, criminal information could be released to the Attorney General. For these reasons, it is suggested that the paragraph be deleted.

e. Paragraph 5: Minor rewording.

f. Paragraph 6: Minor rewording.

g. Paragraph 7: This paragraph seems more a distraction than an integral part of the argument. Unless there are independent reasons for its inclusion, we suggest dropping it.

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U.S. DEPARTMENT OF JUSTICE

ATTORNEY GENERAL

WASHINGTON, D.C. 20530

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Attachment

Distribution:

Robert W. Gambino
Director of Security

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